

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
DOCKET NO. 1:20-CV-00361-FDW

ROMAN KOPTYUKH, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )  
                        )  
KILOLO KIJAKAZI, *Acting Commissioner* )  
*of Social Security*<sup>1</sup>                   )  
                        )  
Defendant.           )  
                        )

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ORDER

THIS MATTER is before the Court on Defendant's Consent Motion to Remand to Social Security Administration (Doc. No. 20), filed on November 23, 2021, and Plaintiff's Motion for Summary Judgment (Doc. No. 16), filed on September 9, 2021. Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and upon consideration of Defendant's unopposed request to remand this cause for further administrative action, the Court hereby GRANTS Defendant's Motion for Remand (Doc. No. 20), REVERSES Defendant's decision under sentence four of 42 U.S.C. § 405(g), and REMANDS the case to Defendant for further administrative action. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 16)

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

is DENIED AS MOOT.

The CLERK is respectfully directed to CLOSE THIS CASE.

IT IS SO ORDERED.

Signed: November 30, 2021



Frank D. Whitney  
United States District Judge

